

State of Texas

STANDARDS FOR INSTITUTIONS

- A. The following are the types or kinds of institutions in which medical care and services may be provided under the plan by such institutions which are licensed and/or approved by the designated State Licensing or Standard-Setting Authority.
1. Hospitals (other than hospitals or institutions for tuberculosis) - public and private which currently meet the standards for participation and participate under Title XVIII.
 2. Skilled nursing and intermediate care facilities.
 3. Institutions for the mentally retarded.
 4. State chest hospitals.
 5. Christian Science Sanatoriums providing intermediate care facility service.
 6. Day Activity and Health Services Facilities.
 7. Ambulatory Surgical Centers.
 8. Category A Birthing Centers.
 9. Maternity Clinics.
- B. The types of institutions specified above are subject to the following standard setting authority (ies):
1. Hospitals, except as noted below, are licensed by the Texas Department of Health.
 2. Skilled nursing and intermediate care facilities are licensed by the Texas Department of Human Services.
 3. State institutions for the mentally retarded are administered by the Texas Department of Mental Health and Mental Retardation and approved by the Texas Department of Human Services.
 4. State chest hospitals are approved and administered by the Texas Department of Health except for the East Texas Chest Hospital which is administered by the Board of Regents of the University of Texas.

STATE	<i>Texas</i>	A
DATE REC'D	DEC 27 1994	
DATE APPV'D	AUG 24 1995	
DATE FILED	NOV 16 1994	
HCFA 179	94-30	

SUPERSEDES: TN - 88-11

5. John Sealy Hospitals of the University of Texas Medical Branch at Galveston, Texas, and the University of Texas M.D. Anderson Hospital and Tumor Institute in Houston, Texas, are specifically excluded from the definition of "hospitals" as the term is used in the Texas Hospital Law; however, these two hospitals are subject to the authority of the Board of Regents of the University of Texas, which in effect, is the Standard-Setting Authority.
 6. Christian Science Sanatoriums are not subject to licensing or approved by a State Standard-Setting Authority.
 7. Day Activity and Health Services Facilities are licensed by the Texas Department of Health. The Texas Department of Human Services sets the standards.
 8. Ambulatory Surgical Centers are licensed by the Texas Department of Health.
 9. Birthing Centers are licensed by the Texas Department of Health
 10. The Texas Department of Human Services sets standards for participation for maternity clinics.
 11. The Texas Department of Mental Health and Mental Retardation sets standards for institutions for mental disease.
- C. The following citations to State legislation show (a) that the authority (ies) is a State authority, as distinguished from a local authority, and (b) that the authority (ies) is empowered and has the duty to establish and maintain standards for the types of institutions where medical care and services may be provided under State plan:
1. Hospitals-Texas Health and Safety Code, Chapter 241, provides for the licensing of "general hospitals" and "specific hospitals."
 2. Skilled nursing and intermediate care facilities - Texas Health and Safety Code, Chapter 242.
 3. The hospital and nursing sections of the State institutions for the mentally retarded are approved by the Texas Department of Human Services as provided for in Texas Health and Safety Code, Section 551.006, subject to provisions of Texas Civil Statutes, Article 4413(502), §16, which provides the Health and Human Services Commission with the authority to administer federal medical assistance funds; and
 4. State chest hospitals are approved by the Texas Department of Health as provided for in Texas Health and Safety Code, Section 551.006;

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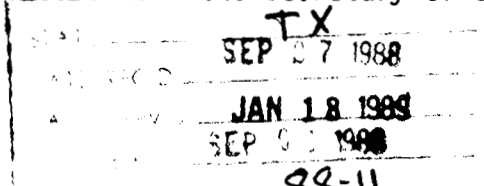
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5. John Sealy Hospital of the University of Texas Medical Branch at Galveston, Texas - Section 10, Article 7, of the Constitution of the State of Texas of 1876 authorized the Legislature to establish the University of Texas. Chapter 75, General Laws, 17th Legislature, Regular Session, 1881, established the University of Texas and created the Board of Regents. Section 1 provided for the Medical Department of the University of Texas.

The University of Texas M.D. Anderson Hospital and Tumor Institute in Houston, Texas - Chapter 548, Acts of the 47th Legislature, Regular Session, 1941, Article 2603e, Vernon's Texas Civil Statutes, and Article 2603f-1, Vernon's Texas Civil Statutes.

The University of Texas East Texas Chest Hospital at Tyler, Texas - Article 3201a-4, Vernon's Texas Civil Statutes, 65th Legislature, Regular Session, 1977, effective September 1, 1977.

6. Day Activity and Health Services Facilities - Article 4442a-1, Vernon's Texas Civil Statutes.
 7. Ambulatory Surgical Centers - Article 4437f-2, Vernon's Texas Civil Statutes Annotated.
 8. Birthing Centers - Article 4437f-3, Vernon's Texas Civil Statutes Annotated.
 9. Maternity Clinics - Texas Human Resources Code, Vernon's Texas Codes Annotated.
- D. The following is a description of the standards to be utilized by such State authority or authorities for these medical institutions.
1. The standards to be utilized by such State authority or authorities for nursing facilities are contained in the Texas Department of Human Services publication entitled "Standards for Participation."
 2. Section 5 of Article 4437f, Vernon's Texas Civil Statutes, makes it mandatory upon the licensing agency that it "...adopt, amend, promulgate, and enforce such rules, regulations, and minimum standards as may be designed to further the purposes of this Act. Provided; however, that the rules, regulations, or minimum standards so adopted, amended, promulgated, or enforced shall be limited to safety, fire prevention, and sanitary provisions of hospitals as defined in this Act. Provided; however, that any rules, regulations, or standards set shall first be approved by the State Board of Health, and after they have been so approved, shall be approved also by the Attorney General as to their legality, and then filed with the Secretary of State, and no such rule or regulations shall be effective until it has been filed with the Secretary of State."



In the State of Texas, all of the hospitals used for care and treatment of patients under Title XIX must meet the standard for participation and participate under Title XVIII except that hospitals which are licensed may render emergency hospital services necessary to prevent the death of or serious impairment of the health of the individual, thus necessitating the use of the most accessible hospital. These hospitals providing emergency services must be licensed or approved in accordance with Section 5 of Article 4437f, Vernon's Texas Civil Statutes.

3. Section 4 of Article 4442A-1, Vernon's Texas Civil Statutes, contains the description of the standards to be set by the Department of Human Services.
- E. The single state agency will provide for cooperative arrangements with the Standard-Setting Authority(ies) to amend the standards.
- F. Institutions named above must meet any other standards or requirements promulgated by the single state agency or State Standard-Setting Authority(ies).
- G. Medical Assistance payments under Title XIX will not be made on behalf of patients in hospitals, institutions, nursing facilities or other medical facilities normally operated by the Federal Government (i.e., military medical facilities, Veteran's Administration facilities, and United States Public Health Service Hospitals), or any other facility where Federal financial participation is not available.

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